

## MEMORANDUM

TO: Town Clerk  
Park and Recreation Department  
TV79  
Public Works Department

FROM: Robert Woodside

DATE: July 8, 2021

SUBJECT: ZBA Meeting

The Darien Zoning Board of Appeals will hold a meeting on Wednesday, July 14, 2021, at 7:00 P.M. in room 213 of Town Hall, and allowing remote access via GoToMeeting #275-403-357. A copy of the agenda is attached.

Zoning Board of Appeals  
Wed, Jul 14, 2021 7:00 PM - 10:00 PM (EDT)

Please join my meeting from your computer, tablet or smartphone.

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## **REGULAR MEETING AGENDA**

Wednesday, July 14, 2021 7:00 P.M.  
Via Go To Meeting #275 403 357  
With staff only in Public Meeting Room 213  
Darien Town Hall, 2 Renshaw Road  
Darien, Connecticut

### **OPENING**

Requests to the ZBA involve important legal property rights. The proposal may expand one owner's limitations and reduce another's protections as defined within the Zoning Regulations. Therefore, any information considered must be clearly provided and all hearing comments are recorded. **Please speak only as the Chair instructs within the Go To Meeting procedures. In order to avoid unnecessary distractions, please "mute" when it's not your turn to speak.**

**This appears to be a heavy agenda. The ZBA will make every reasonable effort to complete this agenda in a timely manner. However, complications may arise and it may be difficult to properly consider all of the requests tonight. You can be helpful by making your presentation efficiently.** Due to necessary scheduling of ZBA members, and possible involvement with other Board/Commission review, the following items may be considered out of sequence. Application requests may be heard and then deliberated one by one rather than all the deliberations occurring at the end of the meeting. Please understand that one or more hearing items may need to be opened and continued to a subsequent meeting and some hearings may be completed tonight but ZBA deliberation of the requests may be postponed to a later date. After the hearing of the project you are interested in is concluded, you may choose to make subsequent inquiries about a possible decision to ZBA office staff at 203-656-7351 during regular business hours.

### **POSTPONEMENTS AND CONTINUATIONS**

Changes to the meeting agenda may occur after posting and would be announced at the beginning of the meeting.

## **PUBLIC HEARINGS**

**CALENDAR NO. 8-2021** The application of Shannon & Jonathan Silsby submitted on May 20, 2021 for variances of Section 406 of the Darien Zoning Regulations, to allow the construction of one story additions; Section 406: 24.0 in lieu of 30.0 feet minimum required Highland Avenue front yard setback; and 6.6 in lieu of 10.0 feet minimum required side yard setback resulting from connecting the detached garage to the house structure. The property is situated on the east side of Mansfield Avenue at the intersection of Highland Avenue and Sedgwick Avenue and is shown on Assessor's Map #16 as Lot #83, being 42 Mansfield Avenue and located in an R-1/3 (residential) Zone.

**CALENDAR NO. 9-2021** The application of Robert F. Maslan, Jr., Esq and Maslan Associates PC on behalf of 1918 LLC submitted on June 10, 2021 for an amendment of ZBA Calendar No. 13-2007; and if necessary variances of Sections 605 and 904 of the Darien Zoning Regulations; to allow the second floor apartment to remain with building alterations and additions; an amendment of Calendar No. 13-2007 to allow alterations of the building including an apartment use where storage only was permitted; if necessary Section 605: 2.0 in lieu of 20.0 feet minimum required rear yard setback, 0.2 in lieu of 4.0 feet minimum required side yard setback, 60.6 in lieu of 20.0 percent maximum allowable building coverage, 97.2 in lieu of 80.0 percent maximum allowable developed site area, and construction of additional building volume on a lot with 73 in lieu of 100 feet minimum required lot depth; and if necessary Section 904: 0 in lieu of 17 minimum currently required parking spaces, or 6 in lieu of 17 minimum currently required parking spaces with nonconforming backup aisle width. The property is situated on the south side of Boston Post Road approximately 125 feet west of Rings End Road and is shown on Assessor's Map #51 as Lot #37, being 1918 Boston Post Road and located in an NB (commercial) Zone.

**CALENDAR NO. 10-2021** The application of Donald R. Corbo on behalf of West Bridge Manor LLC submitted on June 16, 2021 for a variance of Section 406 of the Darien Zoning Regulations, to allow the construction of additional attic living space; Section 406: 20.0 in lieu of 25.0 feet minimum required Park Lane front setback and 25.0 in lieu of 50.0 feet minimum required front setback as measured from the centerline of Park Lane; and 36.0 in lieu of 30.0 feet maximum building height. The property is situated on the north side of West Avenue at the intersections of Holmes Avenue and Park Lane, with the proposed construction in the attic of the building segment closest to Park Lane, and is shown on Assessor's Map #25 as Lot #26, being 410 West Avenue and located in an R-1/5 (residential) Zone.

**CALENDAR NO. 11-2021** The application of David & Jennifer Brown submitted on June 16, 2021 for a variance of Section 406 of the Darien Zoning Regulations, to allow the construction of second and two story additions; Section 406: 15.0 in lieu of 40 feet minimum required front yard setback. The property is situated on the east side of Revere Road approximately 350 feet east of the intersection of Noroton Avenue and is shown on Assessor's Map #9 as Lot #31, being 15 Revere Road and located in an R-1/2 (residential) Zone.

**CALENDAR NO. 12-2021** The application of Wilder G. Gleason, Esq. and Gleason & Associates LLC on behalf of Daniel and Lindsey Zevnik submitted on June 16, 2021 for variances of Section 406 of the Darien Zoning Regulations and for an appeal, under Sections 1122, 339f and 210 of the Darien Zoning Regulations, of the order, requirement, decision, and/or determination of the Zoning Enforcement Officer; to allow the construction of second story and one and one-half story additions, and to reduce the applicable east property line setback; Section 406: 11.1 in lieu of 25.0 feet minimum required north rear yard setback; and if necessary 50.2 in lieu of 90.0 feet minimum required east front yard setback; and Sections 1122, 339f and 210: a determination that the subject lot was created before March 4, 1960 and the east property line has a 25' rear setback rather than a 90' front setback. The property is situated on the west side of Five Mile River Road accessed by a common driveway approximately 380 feet north of Davis Lane and is shown on Assessor's Map #66 as Lot #35, being 102 Five Mile River Road and located in an R-1/2 and R-1 (residential) Zone.

**CALENDAR NO. 13-2021** The application of Alfred P. Tibbetts and Butler Tibbetts, LLC on behalf of William P. Jones, Jr. and Elizabeth Higgins Jones submitted on June 16, 2021 for variances of Sections 334 and 406 of the Darien Zoning Regulations, to allow lifting portions of the existing house and the construction of one and one-half story additions; Section 334: construction of additional volume on a portion of the lot with 93 in lieu of 150 feet minimum required lot depth; and Section 406: 30.7 in lieu of 40.0 feet minimum required front yard setback and 47.2 in lieu of 65.0 feet minimum required front yard setback as measured from the centerline of Contentment Island Road; and 34.0± in lieu of 40.0 feet minimum required rear yard setback. The property is situated on the west side of Contentment Island Road Street at the intersection of Tokeneke Beach Drive and is shown on Assessor's Map #67 as Lot #65, being 2 Contentment Island Road and located in an R-1 (residential) Zone.

## **DELIBERATIONS AND DECISIONS**

Discussion, deliberation and possible decisions for Public Hearing request items listed above. Four affirmative votes out of the five seated ZBA members are required to approve a proposal. Decisions are made after the ZBA members review the public hearing comments, submitted plans and other application materials, and carefully consider

possible stipulations to ensure the best possible project fit among the neighboring properties. If complications arise ZBA deliberation of the requests may be postponed or continued to a later meeting date.

## **OTHER BUSINESS**

**This portion of the meeting is not a Public Hearing. Applicants and other interested parties are welcome to quietly observe the ZBA and staff fulfilling their regulatory responsibilities for the overall benefit of the community. Any expression from the audience is inappropriate and constitutes grounds for tabling the matter referred to or denying it without prejudice.**

1. Requested additional six month extension, received June 3, 2021, to obtain all required permits and begin on-site construction for ZBA Calendar No. 2-2020, Rebecca & Jeff Morrison, 13 Prospect Avenue. The Public Hearing of this matter was February 12, 2020 and May 20, 2020. Initial ZBA approval would have expired on November 28, 2020. Following a September 14, 2020 request, on October 14, 2020 the ZBA granted a 12 month extension to November 28, 2021.
2. Approval of Minutes of meeting on May 12, 2021. ZBA members attending this meeting were Mike Nedder, Dan Nalawade, Kevin Fullington, Gary Greene and Bill Hessert.
3. Election of Officers, by regular members.
4. Possible approval of 2022 Meeting Schedule.
5. Discussion of future meeting procedures, including whether to return to in person Town Hall meetings.
6. Possible policy regarding covered porch applications.
7. Report of Committee researching possible policy regarding historic preservation considerations with the evaluation of variance requests.
8. Possible adoption of revised application form.
9. Possible policy regarding correction of violations, encroachments and unpermitted structures.
10. Review of proposed State Statute changes relative to Zoning Boards of Appeals.
11. Possible policy regarding applicant contacts to ZBA members.

12. Possible issues for Bylaws and Policies subcommittee to consider.

13. Any other business (a minimum 2/3, 67%, i.e. 3/4, 4/5, or 4/6, favorable vote of members present and voting is required to add an item to the agenda).

## **ADJOURNMENT**

1.

ZBA/07.14.2021agn